



FY 2000 Juvenile Justice And Delinquency Prevention Act Compliance Monitoring Report

Prepared for the
Alaska Division of Juvenile Justice

by the

Justice Center
University of Alaska Anchorage



March 2001

JC # 0108

[Note in file:]

This version was e-mailed to E. Weatherby as "final" copy. He submitted it to OJJDP after revising the data to report [?] the 24-hour exception.

NES

[N.E. Schafer]

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**FY 2000 Juvenile Justice and Delinquency Prevention Act
Compliance Monitoring Report**

STATE OF ALASKA
Department of Health and Social Services
Division of Juvenile Justice

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JC # 0108

March 2001

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FY 2000 Juvenile Justice And Delinquency Prevention Act Compliance Monitoring Report

A. GENERAL INFORMATION

1. Name and address of state monitoring agency:

Alaska Division of Juvenile Justice
P.O. Box 110630
Juneau, Alaska 99811-0635

2. Contact person regarding state report:

Name: Patty Ware Phone: (907) 465-2112

3. Does the state's legislative definition of criminal-type offender, status offender, or nonoffender differ with the OJJDP definition contained in the current OJJDP formula grant regulation?

Alaska's definition of "delinquent minor" is congruent with the OJJDP definition of "criminal-type offender" contained in 28 CFR Part 31.304(g). Alaska's definition of "child in need of aid" encompasses both "status offenders" and "nonoffenders" as defined in 28 CFR Part 31.304(h) and (I). The relevant Alaska definitions are contained in AS 47.10.011 (CINA), AS 47.10.990 (definition CINA), AS 47.12.020 (delinquency), and AS 47.12.990 (definition delinquent).

Pursuant to OJJDP's interpretation of Section 223(a)(12)(A), juveniles accused of, or adjudicated delinquent for, possession or consumption of alcohol ("minor consuming alcohol" or "minor in possession of alcohol") have been defined as status offenders.

4. During the state monitoring effort was the federal definition or state definition for criminal-type offender, status offender and nonoffender used?

The federal definitions for criminal-type offender, status offender and nonoffender were used.

SECTION 223(a)(12)(A)

B. REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES

1. **Baseline reporting period:** Calendar year 1976
Current reporting period: Fiscal year 2000

2. **Number of public and private secure detention and correctional facilities:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|--|--------------|---------------|----------------|
| Baseline data | 14 | 13 | 1 |
| Current data | 146 | 146 | 0 |
| Juvenile detention centers | 5 | 5 | 0 |
| Juvenile holdover facilities ¹ | 2 | 2 | 0 |
| Juvenile training schools ² | 0 | 0 | 0 |
| Adult jails | 14 | 14 | 0 |
| Adult correctional facilities ³ | 0 | 0 | 0 |
| Adult lockups | 125 | 125 | 0 |

¹ "Juvenile holdover facility" is a designation used to identify secure facilities used solely for the temporary detention of juveniles.

² Three facilities serve as both juvenile detention centers and juvenile training schools. Because all juveniles admitted to these facilities must be processed through the respective detention centers, separate monitoring of the training schools is unnecessary.

³ The Department of Corrections is contacted annually regarding all DOC facilities.

⁴ Modifications to the FY 1999 universe of adult jails and adult lockups for the FY 2000 report consist of the addition of 16 adult lockups.

3. **Number of facilities in each category reporting admission and release data for juveniles to the state monitoring agency:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Baseline data | 14 | 13 | 1 |
| Current data | 78 | 78 | 0 |
| Juvenile detention centers | 5 | 5 | 0 |
| Juvenile holdover facilities | 2 | 2 | 0 |
| Adult jails | 14 | 14 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 57 | 57 | 0 |

4. **Number of facilities in each category receiving an on-site inspection during the current reporting period for the purpose of verifying Section 223(a)(12)(A) data:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Current data | 45 | 45 | 0 |
| Juvenile detention centers | 1 | 1 | 0 |
| Juvenile holdover facilities | 0 | 0 | 0 |
| Adult jails | 3 | 3 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 41 | 41 | 0 |

5. **Total number of accused status offenders and nonoffenders held for longer than 24 hours in public and private secure detention and correctional facilities during the report period, excluding those held pursuant to a judicial determination that the juvenile violated a valid court order:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------------|--------------|---------------|----------------|
| Baseline data¹ | 485 | 485 | 0 |
| Current data | 2 | 2 | 0 |
| Juvenile detention centers | 2 | 2 | 0 |
| Adult jails | 0 | 0 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 0 | 0 | 0 |

¹ The monitoring report format for the baseline year did not distinguish between accused and adjudicated status offenders and nonoffenders. Baseline data for both accused and adjudicated status offenders and nonoffenders are included here.

6. **Total number of accused status offenders and nonoffenders securely detained in adult jails or lockups for less than 24 hours. This includes status offenders accused of violating a valid court order, federal wards and out-of-state runaways.**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------------|--------------|---------------|----------------|
| Baseline data¹ | n/a | n/a | n/a |
| Current data | 8 | 8 | 0 |
| Adult jails | 3 | 3 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups ² | 5 | 5 | 0 |

¹ The monitoring report format for the baseline year did not distinguish between accused and adjudicated status offenders and nonoffenders. Baseline data for both accused and adjudicated status offenders and nonoffenders are included here.

² Includes projection for facilities not submitting data. There were **2 known violations** in the Northern/Inland Region with a weighting factor (x 2.71) for non-reporting sites.(See Appendix I for data projection method.)

7. **Total number of adjudicated status offenders and nonoffenders held in any secure detention or correctional facility for any length of time excluding a judicial determination that the juvenile violated a valid court order:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------------|--------------|---------------|----------------|
| Baseline data¹ | n/a | n/a | n/a |
| Current data | 0 | 0 | 0 |
| Juvenile detention centers | 0 | 0 | 0 |
| Adult jails | 0 | 0 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 0 | 0 | 0 |

¹ Data for status offenders determined to have violated valid court orders were not included in the monitoring report format for the baseline year.

8. **Total number of status offenders held in any secure detention or correctional facility pursuant to a judicial determination that the juvenile violated a valid court order:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------------|--------------|---------------|----------------|
| Baseline data¹ | n/a | n/a | n/a |
| Current data | 0 | 0 | 0 |
| Juvenile detention centers | 0 | 0 | 0 |
| Adult jails | 0 | 0 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 0 | 0 | 0 |

¹ Data for status offenders determined to have violated valid court orders were not included in the monitoring report format for the baseline year.

Has the state monitoring agency verified that the criteria for using this exclusion have been satisfied pursuant to the current OJJDP regulation?

N/A.

If yes, how was this verified (state law and/or judicial rules match the OJJDP regulatory criteria, or each case was individually verified through a check of court records)?

N/A.

C. DE MINIMIS REQUEST

1. Criterion A—the extent that noncompliance is insignificant or of slight consequence:

Number of accused status offenders and nonoffenders held in excess of 24 hours and the number of adjudicated status offenders and nonoffenders held for any length of time in secure detention or secure correctional facilities:

| Accused | | Adjudicated | | Total |
|---------|---|-------------|---|-------|
| 10 | + | 0 | = | 10 |

Total juvenile population of the state under age 18 according to the most recent available U.S. Bureau of Census data or census projection:

196,799 juveniles.

(Source: *Alaska Population Estimates by Age, Race and Sex*, Alaska Department of Labor, Research and Analysis, Demographics Unit, September 1998.)

If the data were projected to cover a 12 month period, provide the specific data used in making the projection and the statistical method used to project the data:

N/A

Calculation of status offender and nonoffender detention and correctional institutionalization rate per 100,000 population under age 18:

$$10/1.96799 = 5.08 \text{ per } 100,000$$

2. Criterion B—The extent to which the instances of noncompliance were in apparent violation of state law or established executive or judicial policy:

One of the unweighted detention events involved a warrant for Interstate CINA which was beyond the state's control. The remainder were in violation of existing state statutes.(?)

3. Criterion C—The extent to which an acceptable plan has been developed:

The Division of Juvenile Justice continues to refine its plan to address the high number of DSO violations. The elements of the state's plan listed on pp. 19-20 of this report are also in place and relevant for DSO violations. Signs will be placed in all juvenile institutions reminding staff of the requirement for juvenile holds. Additionally, training was conducted with all DJJ facility superintendents in February 2000 and will be repeated a minimum of once a year in order to reduce violations within juvenile institutions.

4. Out of state runaways: 1

5. Federal wards: 0

6. Recently enacted change in state law:

There have not been any changes to state law in the last fiscal year.

SECTION 223(a)(12)(B)

D. PROGRESS MADE IN ACHIEVING REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES

1. Provide a brief summary of the progress made in achieving the requirements of Section 223(a)(12)(A):

In recent years Alaska has made good progress in removal of status offenders and non-offenders from secure detention. In FY 1999 there were twenty-one instances of non-compliance. This year however Alaska has progressed. There were seven actual and ten projected instances where accused status offenders and/or non-offenders were securely detained. One of the non-compliant instances was an out-of-state runaway held in a juvenile facility.

2. Number of accused and adjudicated status offenders and nonoffenders who are placed in facilities which (a) are not near their home community; (b) are not the least restrictive appropriate alternative; and, (c) do not provide the services described in the definition of community-based:

There were no apparent violations of these conditions recorded in Alaska during fiscal 2000.

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS

1. **Baseline reporting period:** Calendar year 1976

Current reporting period: Fiscal year 2000

2. **What date had been designated by the state for achieving compliance with the separation requirements of Section 223(a)(13)?**

December 31, 1991

3. **Total number of facilities used to detain or confine both juvenile offenders and adult criminal offenders during the past twelve (12) months:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Baseline data | 12 | 12 | 0 |
| Current data | 36 | 36 | 0 |
| Adult jails | 13 | 13 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 23 | 23 | 0 |

4. **Number of facilities in each category receiving an on-site inspection during the current reporting period to check the physical plant to ensure adequate separation:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Baseline data | n/a | n/a | n/a |
| Current data | 44 | 44 | 0 |
| Adult jails | 3 | 3 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 41 | 41 | 0 |

5. **Total number of facilities used for the secure detention and confinement of both juvenile and adult offenders which did not provide adequate separation of juveniles and adults:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Baseline data | 5 | 5 | 0 |
| Current data | 7 | 7 | 0 |
| Adult jails | 0 | 0 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 7 | 7 | 0 |

6. **Total number of juveniles not adequately separated in facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the report period:**

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Baseline data | 824 | 824 | 0 |
| Current data | 45 | 45 | 0 |
| Adult jails | 0 | 0 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups ¹ | 45 | 45 | 0 |

¹ Includes projection for facilities not submitting data. There was **1 known violation** in the Southcentral Region with a weighting factor (x 1.45), and **16 known** in the Northern/Inland Region with a weighting factor (x 2.71) for non-reporting sites.(See Appendix I for data projection method.)

7. **Provide a brief summary of the progress made in achieving the requirements of Section 223(a)(13):**

Alaska's efforts at reducing the number of juveniles detained in violation of the JJDP separation mandate have been very successful. Since the 1976 baseline year when 824 cases of noncompliance were recorded, Alaska has achieved substantial compliance with this mandate. In FY 1999 no cases were discovered of inadequate sight and sound separation. This year there were 17 actual and 45 projected instances, all occurring in seven of the state's 125 remote rural lockups. In almost half of the instances, the juvenile was detained with an adult who was just a year or two older than the juvenile, and with whom they had either committed a crime or been detained together under the Protective Custody statute.

Alaska law requires that a juvenile detained in a facility which also houses adult prisoners be "assigned to quarters in the correctional facility that are separate from quarters used to

house adult prisoners so that the minor cannot communicate with or view adults who are in official detention” (AS 47.12.240(d)(1)). Detention officers throughout the state have not only indicated awareness of this statute, but have embraced the concerns of the legislation and have taken a variety of innovative measures in order to comply with the separation mandate, and this is evidenced by the lack of these violation in any of the state’s adult jails where professional jailers or staff are present. The central—and persistent—barrier to achieving compliance with the separation mandate has been the vast geographical distances among Alaska’s five youth detention centers, and the amateur nature of Alaska’s rural law enforcement.

In adult jails no separation violations were reported in fiscal years 1995, 1996, 1997, 1999 and 2000. In 1998 one violation was reported in adult correctional facilities. This was related to an INS hold of a juvenile illegal alien.

Over the course of fiscal year 2000, the significant gains achieved during previous years in complying with the separation mandate in correction facilities were sustained. The number of separation violations decreased from twenty-three in fiscal year 1995 to three in FY 1996, two in FY 1997, two in FY 1998 and none in 1999 and 2000.

8. Describe the mechanism for enforcing the state’s separation law:

Alaska has employed a number of mechanisms for enforcing its separation laws, AS 47.12.240 and AS 47.12.240(a), and has substantially reduced instances of noncompliance with Section 223(a)(13) of the JJDP Act. DJJ continues to educate law enforcement officers, corrections officers, its own juvenile probation officers and the general public to the dangers of jailing juveniles and to the laws restricting such detention. The Division maintains nonsecure attendant care shelters in eleven communities throughout the state and is in the process of developing two additional non-secure shelters in the southeast communities of Craig and Wrangell..

AS 47.12.240 addresses the detention of minors and seeks to end separation violations by specifying that

the minor shall be assigned to quarters in the correctional facility that are separate from quarters used to house adult prisoners so that the minor cannot communicate with or view adults who are in official detention. . . .

SECTION 223(A)(14)

F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

- 1. Baseline reporting period:** Calendar year 1980
Current reporting period: Fiscal year 2000

2. Number of adult jails:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|---------------|--------------|---------------|----------------|
| Baseline data | 15 | 15 | 0 |
| Current data | 14 | 14 | 0 |

3. Number of adult lockups:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | n/a | n/a | n/a |
| Current data | 125 | 125 | 0 |

¹ Adult lockups were not included in the monitoring universe for the baseline year.

4. Number of facilities in each category receiving an on-site inspection during the current reporting period for the purpose of verifying Section 223(a)(14) compliance data:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|-------------------------------|--------------|---------------|----------------|
| Current data | 44 | 44 | 0 |
| Adult jails | 3 | 3 | 0 |
| Adult correctional facilities | 0 | 0 | 0 |
| Adult lockups | 41 | 41 | 0 |

5. Total number of adult jails holding juveniles during the twelve months:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | 14 | 14 | 0 |
| Current data | 13 | 13 | 0 |

¹ Includes data for two facilities classified as adult correctional facilities.

6. Total number of adult lockups holding juveniles during the twelve months:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | n/a | n/a | n/a |
| Current data | 24 | 24 | 0 |

¹ Adult lockups were not included in the monitoring universe for the baseline year.

7. Total number of accused juvenile criminal-type offenders held in adult jails in excess of six (6) hours:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | 766 | 766 | 0 |
| Current data ² | 12 | 12 | 0 |

¹ The monitoring report format for the baseline year did not distinguish between accused and adjudicated criminal-type offenders or between adult jails and adult correctional facilities. Both accused and adjudicated criminal-type offenders held in adult jails and adult correctional facilities (including juveniles accused of or adjudicated delinquent for minor consuming alcohol) are included in the baseline data reported here.

² Includes adult correctional facilities.

8. Total number of accused juvenile criminal-type offenders held in adult lockups in excess of six (6) hours:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | n/a | n/a | n/a |
| Current data ² | 30 | 30 | 0 |

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There was **1 known violation** in the Southeast Region with a weighting factor (x 2.25) for non-reporting sites, **2 known** in the Southcentral Region with a weighting factor (x 1.45), and **9 known** in the Northern/Inland Region with a weighting factor (x 2.71) for non-reporting sites.(See Appendix I for data projection method.)

9. Total number of adjudicated criminal-type offenders held in adult jails for any length of time:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | n/a | n/a | n/a |
| Current data | 13 | 13 | 0 |

¹ The monitoring report format for the baseline year did not distinguish between accused and adjudicated criminal-type offenders or between adult jails and adult correctional facilities.

10. Total number of adjudicated criminal-type offenders held in adult lockups for any length of time:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | n/a | n/a | n/a |
| Current data ² | 15 | 15 | 0 |

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There were **5 known** in the Northern Region with a weighting factor (x 2.71) for non-reporting sites, **1 known** in the Southcentral region with a weighting factor (x 1.45), and **0 known** in the Southeast Region. (See Appendix I for data projection method.)

11. Total number of accused and adjudicated status offenders and nonoffenders held in adult jails for any length of time, including those status offenders accused of or adjudicated for violation of a valid court order:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | 98 | 98 | 0 |
| Current data | 4 | 4 | 0 |

¹ Because juveniles charged with minor consuming alcohol were classified as criminal-type offenders in the baseline year, baseline data for juveniles accused of or adjudicated delinquent for this offense are included in item F7

12. Total number of accused and adjudicated status offenders and nonoffenders held in adult lockups for any length of time, including those status offenders accused of or adjudicated for violation of a valid court order:

| | <i>Total</i> | <i>Public</i> | <i>Private</i> |
|----------------------------|--------------|---------------|----------------|
| Baseline data ¹ | n/a | n/a | n/a |
| Current data ² | 8 | 8 | 0 |

¹ Adult lockups were not included in the monitoring universe for the baseline year.

² Includes projection for facilities not submitting data. There were **no known violations** in the Southeast or Southcentral Regions, and **3 known violations** in the Northern/Inland Region with a weighting factor (x 2.71) for non-reporting sites.(See Appendix I for data projection method.)

13. Total number of adult jails and lockups in areas meeting the “rural exception”:

| | |
|----------------|---|
| Baseline data: | 0 |
| Current data: | 0 |

Alaska is ineligible for the rural exception because state law requires an initial court appearance within 48 hours, rather than 24 hours, after a juvenile has been taken into custody (see AS 47.12.250). All adult jails, lockups and correctional facilities in the fiscal 2000 monitoring universe are outside the state’s only Standard Metropolitan Statistical Area, but only a handful provide adequate separation, as required in order for the rural exception to apply.

14. Total number of juveniles accused of a criminal-type offense who were held in excess of six (6) hours but less than twenty-four (24) hours in adult jails and lockups in areas meeting the “removal exceptions:”

| | |
|----------------|---|
| Baseline data: | 0 |
| Current data: | 0 |

15. Provide a brief summary of the progress made in achieving the requirements of Section 223(a)(14):

From a base of 139 adult jails, correctional centers and lockups, 82 jail removal violations were projected (50 actual) for Alaska during fiscal 2000. This count represents a substantial reduction in the overall number of juveniles held in violation of the jail removal mandate since the baseline year 1980. From a total of 115 projected violations in the fiscal 1995 report, the FY 2000 count of 82 projected noncompliant instances represents a substantial decrease in the number of juveniles held in adult facilities in violation of Section 223(a)(14) over the last 5 years. Compared to recent years, there is an increase in projected violations (82 in FY 2000, 61 in FY 1999, and 57 in FY 1998) but a relatively flat rate in actual reported violations (50 in FY 2000, 56 in FY 1999, and 52 in FY 1998).

The number of violations involving adjudicated criminal-type offenders in jails went from five in FY 1998 and twelve in FY 1999 to thirteen in FY 2000. In adult lockups the level went down from ten projected (seven actual) violations in FY 1998 to six projected (four actual) violations in FY 1999 and back up to fifteen projected (six actual) in FY 2000.

In FY 2000 only one violation involved a non-offender in an adult jail, and this was an INS hold. In addition, there were three status offenders held in adult jails, all on court orders or warrants. In adult lockups there were 8 Projected (3 actual) violations involving status offenders and non-offenders, a decrease of 55 percent from the previous fiscal year in projected violations and a decrease of 73 percent in actual violations. Additionally, all three of these violations involved a protective custody for alcohol. There are significant problem areas for Alaska which the Division of Juvenile Justice is attempting to address through program and policy initiatives in the coming year(s).

Violations involving accused criminal-type offenders decreased in adult jails from 20 in FY 1998 to 12 in FY 1999 and 12 again in FY 2000, a 40% decrease since FY 1998. In adult lockups however the number of projected violations went from 16 in FY 1998 to 18 in FY 1999 and 30 in FY 2000. The actual violations went from 12 to 13 and back to 12 in FY 2000.

Many of the gains Alaska has made in reducing violations of Section 223(A)(14) are found in the increased accuracy of the data itself. Prior efforts at monitoring Alaska's compliance with the JJDP Act had been characterized by an apparent over-counting of incidents of noncompliant juvenile detention in adult contract jails. Whereas previous jail logs (the primary source of information used in monitoring) did not distinguish individuals who were

booked and released from those who were placed in secure detention, the revised jail log format allows for this critical distinction.

By mid-1989 each contract jail had begun use of revised billing sheets ("logs") which allowed for clear distinction between those juveniles held in secure confinement and those who were not. As the contract jail personnel have become more familiar with this billing form, detention data have become more accurate. In those instances where questions remained, the contract jails were contacted by phone in an attempt to clarify the circumstances regarding those detention episodes. If no further information was obtained, those cases for which the duration of detention was recorded as 45 minutes or less, and for which the records gave no indication that the juvenile was ever securely detained, have been classified as having been booked and released.

Examination of the records of those facilities which were inspected, indicates that the jail logs used in monitoring are largely reliable as records of juvenile traffic through community jails and police departments, but there may remain some specific instances of error.

Records for adult lockups continue to be problematic. It is likely that lockups that have no records did not detain anyone during the period. Projections have doubtless over estimated the number of violations.

Although there have been efforts to refine juvenile detention data, barriers to Alaska's full compliance with the jail removal requirement remain. However, the state has made great progress in reducing the incidence of noncompliance and in offering alternatives to secure detention in adult facilities. Geographic distance between smaller communities and the five secure youth detention centers has been bridged by the creation and operation of nonsecure attendant care shelters, which serve eleven communities.

The issue of missing or incomplete data in the adult rural lockups remains a significant challenge for Alaska. This, coupled with the remote location of these facilities, prevents the state from improving the compliance rate in this area. The state is in the process of taking steps to address some of these issues. Signs delineating the requirements for juvenile holds have recently been mailed out to all rural lockups. More significantly, the Division is pursuing a contract to institute a telephonic reporting system whereby each rural lockup would be contacted monthly to gather juvenile data. It is anticipated that this will greatly reduce or eliminate the need to project for missing data, as well as allow for more immediate provision of technical assistance or support to facilities experiencing difficulties. These positive steps are not anticipated to affect Alaska's data until the FY 2001 report.

G. DE MINIMIS REQUEST: SUBSTANTIVE

1. The extent that noncompliance is insignificant or of slight consequence:

Number of accused juvenile criminal-type offenders in adult jails and lockups in excess of six (6) hours, adjudicated criminal-type offenders held in adult jails and lockups for any length of time, and status offenders held in adult jails and lockups for any length of time.

Total = 82 (50 actual, 32 projected)

Total juvenile population of the State under 18 according to the most recent available U.S. Bureau of Census data or census projection:

196,799 juveniles

(Source: *Alaska Population Estimates by Age, Race and Sex*, Alaska Department of Labor, Research and Analysis, Demographics Unit, September 1998)

If the data were projected to cover a 12-month period, provide the specific data used in making the projection and the statistical method used to project the data:

N/A

Calculation of jail removal violations rate per 100,000 population under 18:

Total instances of noncompliance = 82
Population under 18 = 196,799
 $82/1.96799 = 42$ per 100,000

2. Plan:

The Division of Juvenile Justice (DJJ) of the Department of Health and Social Services has broad authority under AS 47.14.010 through AS 47.14.050 for oversight of facilities used for detention of juveniles. In its attempts to reduce the number of noncompliant instances of juvenile detention in Alaska, DJJ has developed a network of nonsecure attendant care shelters—currently in nine locations—serving eleven communities which have historically experienced high levels of noncompliant juvenile detention. Additionally, DJJ is seeking to establish two additional non-secure facilities in rural communities, both of which have been experiencing increased numbers of violations in recent years (Wrangell and Craig).

DJJ has been successful in curtailing the practice of securely detaining status offenders and intoxicated juveniles at its own detention centers as well as in many adult facilities. While the DJJ policy extends only to the five juvenile detention centers, it has had a significant educative effect on the policies of local law enforcement agencies. The Division continues

to educate law enforcement personnel through annual data collection contacts, tri-annual monitoring visits, and presentations or staff training provided to relevant law enforcement personnel.

3. Recently enacted change in state law:

None in FY 1999 or FY 2000.

4. The extent that noncompliance is insignificant or of slight consequence:

a. Were all instances of noncompliance in violation of or departures from State law, court rule, or other statewide executive or judicial policy?

AS 47.12.240 provides that “detention in a correctional facility .. may not exceed..six hours” and “the minor shall be assigned to quarters in the correctional facility that are separate from quarters used to house adult prisoners so that the minor cannot communicate with or view adult prisoners who are in official detention.” Of the 50 actual jail removal violations reported for fiscal 2000, 29, or 58 percent, occurred in facilities that allow for sight and sound separation.

b. Do the instances of noncompliance indicate a pattern or practice, or do they constitute isolated instances?

Violations of Section 223(A)(14) occurred in 11 adult jails and 12 adult lockups. At the majority of these facilities, however, instances of noncompliant detention appear to be the exception rather than the rule of juvenile handling. It is the practice of most law enforcement officials at the village level and at the municipal level not to securely detain juvenile offenders. Given that the larger, busier lockups tend to be more likely to provide data, the projection that the non-reporting rural lockups violated Section 223(A)(14) at the same rate results in an over-estimate.

Five institutions (Homer, Petersburg, Valdez, Wrangell, and Emmonak) reported more than two violations, but the majority of those which had violations reported 2 or fewer. This does not constitute a pattern of violations.

c. Are existing mechanisms for enforcement of the State law, court rule, or other statewide executive or judicial policy such that the instances of noncompliance are unlikely to recur in the future?

Yes. The state has employed several mechanisms for enforcing AS 47.10.141, AS 47.12.240, and AS 47.12.240(a), which restrict the detention of juveniles in adult facilities, and AS 47.14.030, which requires state and municipal agencies to report incidents of secure detention of juveniles. Collectively, these mechanisms have proven effective in substantially reducing instances of noncompliance with Section 223(a)(14) of the JJDP Act. Enforcement of these statutes, along with continued operation of the

eleven alternative nonsecure shelters and the addition of three new non-secure shelters in July 2000 should assist in curtailing jail removal violations in Alaska.

Additionally, admission records of adult jails are examined each year by DJJ, and facilities are notified of the instances of noncompliant detention of juveniles.

In combination, the above enforcement mechanisms have been effective in reducing the number of reported instances of noncompliance by 96% percent in the twelve years since implementation of the state's revised Jail Removal Plan in December, 1987.

d. Describe the State's plan to eliminate the noncompliant incidents and to monitor the existing enforcement mechanisms:

Alaska has placed increased emphasis on compliance monitoring in the last few months in an effort to implement necessary improvements to the State's ability to come into full compliance with the Act. Highlights of these accomplishments include:

- Contact with the Alaska State Troopers, the supervising entity for the Village Public Safety Officer (VPSO) program in the rural areas. DJJ has reviewed the training curriculum of the Alaska State Troopers related to juvenile holds. This curriculum is delivered to both VPSOs and Alaska State Troopers three times per year. DJJ made amendments/revisions to the curriculum to more closely address some of the issues faced by rural lockups and to clarify procedures for probation violations and Title 47 alcohol holds.
- DJJ is investigating the possibility of having the Alaska State Troopers deliver additional compliance monitoring training to law enforcement entities in addition to the three already provided each year.
- DJJ has completed a placard that details the federal requirements for holding juveniles, including information on time limits, types of charges, and the statewide time limits imposed on so-called "Title 47" alcohol holds. This placard is being provided to every facility in the state this month (April 2000).
- A replacement system will be set up that will allow each rural lockup to report their juvenile holds telephonically rather than through a paper reporting system. A contractor will call each facility monthly and track down the data for each facility, thereby helping to alleviate the problem of missing or incomplete data. This is anticipated to begin on July 1, 2000.
- Updated compliance monitoring training packets will be mailed to all adult lockups in the previous years' universe by late summer. This packet will include information on the new telephone reporting system.

- DJJ is attempting to establish two additional non-secure shelters in Craig and Wrangell in order to provide alternatives to the adult facilities. In these high violation area. It is the intention that these facilities be on line by the beginning of state FY 2001 (beginning July 1, 2000).
- The AJJAC's compliance monitoring subcommittee, developed by the state advisory group (SAG) in October 1999, has been working closely with DJJ to devise new strategies to address the increase in violations. These strategies involve increased training; possible recognition for sites achieving full compliance; improved communication with law enforcement and regional tribal entities. A full set of recommendations in this area is included in Alaska's three year plan as part of the state's formula grant application.
- The AJJAC chair, Vicki Blankenship, recently met with Senator Ted Stevens in Washington, D.C., as a follow-up to a letter sent to Senator Stevens requesting an amendment to the JJDP Act. This requested amendment would allow Alaska the ability to claim the rural exception to Section 223(A)(14) of the Act, significantly reducing the high rate of violations due primarily to the remote geographical challenges faced by Alaska. This request has received a favorable response from Senator Stevens and DJJ is hopeful the amendment will pass in the upcoming Congressional session.
- The DJJ's new web site will include a detailed explanation of the federal mandates regarding juvenile holds and a segment entitled "Frequently Asked Questions." DJJ will encourage law enforcement entities and rural lockup staff to use this site as a means to reduce the number of violations by providing information and the means to email questions or concerns. This is anticipated to be complete by September 15, 2000.

Appendix I

METHOD OF ANALYSIS

All aspects of data analysis for the fiscal 2000 monitoring report were performed on the Justice Center's computer network at the University of Alaska Anchorage, using Excel 97 SR2 and the SPSS Data Analysis System, Release 10.0.

A. Data collection and data entry

Data were entered into a composite data file from the following sources:

1. Certified photocopies of original *client billing sheets* (booking logs) for the fourteen adult jails were obtained from the Contract Jail Administrator of the Alaska Department of Corrections (DOC). DOC contracts for services with each Alaska facility that meets the definition of adult jail as defined in the Formula Grant Regulation. Received were certified photocopies of the jails' booking logs which covered all twelve months of fiscal 2000. In addition, logs were requested from the Kodiak facility, after it was learned that facility might have been used to detain juveniles.
2. Photocopies of *original booking logs* for FY 2000 were obtained from the youth center in Fairbanks, and from adult lockups in Angoon, Delta Junction, Glennallen, King Cove, Manokotak, Nunapitchuk, Sand Point, Sheldon Point, and Togiak.
3. Certified or signed *detention data reports* for FY 2000 were received from the youth centers and holdovers in Anchorage, Bethel, Juneau, and Nome, and from the Kodiak and Kenai Juvenile Probation Office. Additional reports were received from the adult lockups in Aleknagik, Anaktuvuk Pass, Aniak, Atkasuk, Cantwell, Chevak, Chignik, Deadhorse (Prudhoe Bay), Delta Junction, Eek, Ekwok, Elim, Emmonak, Glennallen, Goodnews Bay, Hoonah, Kaktovik, Kiana, King Cove, Kobuk, Koliganek, Koyuk, Kwigillingok, Manokotak, Marshall, Nenana, New Stuyahok, Nuiqsut, Old Harbor, Pelican, Pilot Point, Point Hope, Point Lay, St. Paul, Sand Point, Seldovia, Shaktoolik, Shungnak, Skagway, Tanana, Tok, and Wainwright.
4. Full year certified "No Prisoners Held" forms were received from Anvik, Atka, Circle, False Pass, Grayling, Levelock, Newhalen, Nondalton, Port Heiden, Tatitlek, Teller and Tununak.
5. Judged to be inadequate for monitoring purposes were adult lockup data received from the villages of Alakanuk, Kotlik, Larsen Bay, McGrath, and Quinhagak.
6. The Department of Corrections also provided a computer listing of juvenile bookings in all of the department's facilities.

7. Complete detention data from the two juvenile holdover facilities in Kenai and Kodiak were received from the supervising Youth Probation Officer at those sites.

For each case, the following data were entered: facility type, facility identifier, initials or first initial and last name of juvenile, date of birth, gender, race, date of admission, time of admission, reason for detention (alphabetic variable; if more than one, reasons were strung together), date of release, time of release, and lockup indicator.

B. Classification of offenders

The likelihood of misclassifying offenses was reduced by adopting a conservative approach. In other words, errors in coding would lead to the reporting of a higher number of violations than actually occurred. The following procedures were used in classifying juveniles as accused criminal-type offenders, adjudicated criminal-type offenders, accused status offenders and adjudicated status offenders:

1. Juveniles who were arrested for the following were classified as *accused criminal-type offenders*: offenses proscribed in Alaska criminal law, traffic violations, fish and game violations, and contempt of court.
2. Juveniles charged with probation violations or violations of conditions of release were classified as *adjudicated criminal-type offenders* unless conditions of probation had been imposed pursuant to an adjudication for possession or consumption of alcohol. In the latter case, the juvenile was classified as an adjudicated status offender.

Juveniles taken into custody pursuant to warrants and detention orders were also classified as adjudicated criminal-type offenders, unless additional information indicated a more appropriate classification. Where reclassification was not indicated, all instances of detention pursuant to a warrant or court order at Bethel Youth Center, Johnson Youth Center, McLaughlin Youth Center, Fairbanks Youth Center, and the Nome Youth Center were verified through a check of facility records. In this way, accuracy in the classification of these cases was checked.

Juveniles transferred from one juvenile detention facility to another were also classified, absent additional information, as adjudicated criminal-type offenders, as were a small number of juveniles for whom the offense listed in official records was one of the following: juvenile hold, juvenile probation hold, detention hold, and delinquent minor.

3. Juveniles detained for the following were classified as *accused status offenders*: possession or consumption of alcohol, minor on licensed premises, curfew violations, runaway, and protective custody in excess of the lawful duration as prescribed in AS 47.30.705 and AS 47.37.170.
4. DJJ officials constructed a list with the names and dates of birth of juveniles adjudicated for possession or consumption of alcohol on or after January 1, 1985. The list only

included juveniles adjudicated *solely* for the possession or consumption of alcohol and who were not subsequently adjudicated on a criminal-type offense. Juveniles appearing in the fiscal 2000 data arrested pursuant to a warrant or detention order and juveniles detained for probation violations were classified as *adjudicated status offenders* if their names appeared on this list. Otherwise, these juveniles were classified as adjudicated criminal-type offenders.

C. Data projection for non-reporting Lockups

Data for the adult lockups whose records were not received or were deemed inadequate for monitoring purposes were projected by first grouping the lockups by the three administrative regions of the Alaska Division of Juvenile Justice. A weighting factor for each of the three DJJ regions was then established based on the proportion of reporting sites to non-reporting sites within the region. We used these groupings due to the quantitative and qualitative similarities among communities located within these distinct geographic, cultural and socioeconomic regions. In each of these regions, violations were assigned a weighting factor derived from the reciprocal of the proportion of all reporting adult lockups located within the region to those villages in the region included in the monitoring universe. To the extent that lockups from which data were obtained are representative of all lockups in these monitoring universe groupings, this method of projection is statistically valid.

Since *all* adult lockups which submitted adequate data were included in the analysis, random sampling of this group was not performed. It is believed that lockups which do not maintain adequate records are unlikely to detain more juveniles than those which do. Facilities which do not maintain adequate records probably fail to do so because they detain very few individuals, either adults or juveniles. Any error in this method of projecting data for non-reporting lockups should therefore result in a higher estimated number of noncompliant cases than actually occurred in these facilities.

Appendix II

FISCAL YEAR 2000 VIOLATIONS BY OFFENSE TYPE AND LOCATION

For offense codes, see Appendix III.

Deinstitutionalization Violations / Section 223 (a)(12)(A)

| Location | Offense | Time | Offender Type |
|--|-------------------------|-------------|----------------------|
| Juvenile Detention Centers: | | | |
| McLaughlin Youth Center | Warrant Interstate CINA | 169.8 | Nonoffender |
| | Warrant FTA/MCA | 36.2 | Accused Status |
| Adult jails: | | | |
| Seward | Warrant FTA/MCA | 1.4 | Accused Status |
| Petersburg | Warrant FTA/MCA | 7.9 | Accused Status |
| Wrangell | Warrant FTA/MCA | 3.3 | Accused Status |
| Northern/Inland Region (Weight = 2.71): | | | |
| Emmonak | PC Alcohol | 19.2 | Nonoffender |
| | PC Alcohol | 13.2 | Nonoffender |

Separation Violations / Section 223 (a)(13)

| Location | Offense | Time | Offender Type |
|---|---------------------|-------------|----------------------|
| Southcentral Region (Weight = 1.45): | | | |
| Sand Point | Probation Violation | 38.3 | Adjudicated Criminal |

Separation Violations / Section 223 (a)(13) (continued)

| Location | Offense | Time | Offender Type |
|--|------------------|-------------|----------------------|
| Northern/Inland Region (Weight = 2.71): | | | |
| Alakanuk | PC Alcohol | 3.9 | Nonoffender |
| | Theft | 3.5 | Accused Criminal |
| | Assault | 10.5 | Accused Criminal |
| Anaktuvuk Pass | PC Alcohol | 11.7 | Nonoffender |
| Chevak | Resisting Arrest | 8.0 | Accused Criminal |
| | Assault | 15.4 | Accused Criminal |
| | PC Alcohol | 7.4 | Nonoffender |
| | PC Alcohol | 8.0 | Nonoffender |
| Emmonak | PC Alcohol | 8.3 | Nonoffender |
| | Sexual Assault | 18.0 | Accused Criminal |
| | PC Alcohol | 10.0 | Nonoffender |
| | Bench Warrant | 18.8 | Adjudicated Criminal |
| Nenana | PC Alcohol | 9.3 | Nonoffender |
| | PC Alcohol | 9.5 | Nonoffender |
| Point Hope | PC Alcohol | 8.7 | Nonoffender |
| | PC Alcohol | 9.3 | Nonoffender |

Jail Removal Violations / Section 223 (a)(14)

| Location | Offense | Time | Offender Type |
|---------------------|-----------------------|-------------|----------------------|
| Adult jails: | | | |
| Cordova | Assault | 10.0 | Accused Criminal |
| Craig | Court Hold | 12.0 | Adjudicated Criminal |
| Dillingham | INS Hold | 11.5 | Nonoffender |
| | Sexual Assault/WAIVED | 18.0 | Accused Criminal |
| Haines | DWI | 13.8 | Accused Criminal |

Jail Removal Violations / Section 223 (a)(14) (continued)

| Location | Offense | Time | Offender Type |
|-----------------|------------------------|-------------|----------------------|
| Homer | VCR | 16.5 | Adjudicated Criminal |
| | Serve Time: DWI | 38.7 | Adjudicated Criminal |
| | Burglary | 19.9 | Accused Criminal |
| | Burglary | 20.0 | Accused Criminal |
| Petersburg | Bench Warrant | 7.9 | Adjudicated Status |
| | Bench Warrant | 17.9 | Adjudicated Criminal |
| | Sexual Assault: Minor | 23.5 | Accused Criminal |
| | MICS | 22.8 | Accused Criminal |
| Seward | Warrant FTA/MCA | 1.4 | Accused Status |
| Sitka | Probation Violation | 13.7 | Adjudicated Criminal |
| Unalaska | Probation Violation | 5.7 | Adjudicated Criminal |
| Valdez | Probation Violation | 64.8 | Adjudicated Criminal |
| | Criminal Trespass | 12.7 | Accused Criminal |
| | Serve Time: DWI | 70.1 | Adjudicated Criminal |
| | Serve Time: DWI | 70.8 | Adjudicated Criminal |
| | Serve Time: DWI | 71.3 | Adjudicated Criminal |
| Wrangell | Probation Violation | 22.2 | Adjudicated Criminal |
| | Assault | 6.5 | Accused Criminal |
| | Probation Violation | 4.3 | Adjudicated Criminal |
| | BW-Probation Violation | 18.3 | Adjudicated Criminal |
| | MICS | 33.9 | Accused Criminal |
| | Warrant FTA/MCA | 3.3 | Accused Status |
| | Assault | 7.8 | Accused Criminal |
| | Assault | 18.3 | Accused Criminal |

Jail Removal Violations / Section 223 (a)(14) (continued)

| Location | Offense | Time | Offender Type |
|--|---------------------|-------------|----------------------|
| Adult lockups : | | | |
| Southeast Region (Weight: 2.25): | | | |
| Hoonah | Assault | 15.7 | Accused Criminal |
| Southcentral Region (Weight: 1.45): | | | |
| Glennallen | Assault | 21.7 | Accused Criminal |
| | Probation Violation | 21.8 | Adjudicated Criminal |
| Manokotak | Assault | 8.8 | Accused Criminal |
| Northern/Inland Region (Weight = 2.71): | | | |
| Alakanuk | Assault | 10.5 | Accused Criminal |
| Eek | Murder | 13.0 | Accused Criminal |
| Emmonak | Sexual Assault | 18.0 | Accused Criminal |
| | Assault | 10.6 | Accused Criminal |
| | Probation Violation | 3.3 | Adjudicated Criminal |
| | Probation Violation | 9.3 | Adjudicated Criminal |
| | PC Unqualified | 19.2 | Nonoffender |
| | PC Unqualified | 13.2 | Nonoffender |
| | BW | 18.8 | Adjudicated Criminal |
| | Burglary | 25.4 | Accused Criminal |
| Kiana | Probation Violation | 3.5 | Adjudicated Criminal |
| Nenana | Reckless Driving | 11.8 | Accused Criminal |
| Nuiqsut | PC Unqualified | 13.4 | Nonoffender |
| | Assault | 8.6 | Accused Criminal |
| Nunapitchuk | DWI | 8.2 | Accused Criminal |
| Point Hope | Arson | 22.0 | Accused Criminal |
| Shaktoolik | Probation Violation | 21.5 | Adjudicated Criminal |

Appendix III

COMMON OFFENSE ACRONYMS

| | |
|----------------|---|
| ASLT | Assault |
| BURG | Burglary |
| BW: | Bench warrant: (original offense) |
| CINA | Child In Need of Aid |
| CM | Criminal mischief |
| CONCEAL | Concealment of merchandise |
| COURT HOLD | Court-ordered hold |
| CRIM MISCHIEF | Criminal mischief |
| CT | Criminal trespass |
| CTORDER:VCR | Court order: |
| DC | Disorderly conduct |
| DET ORDER | Detention order |
| DWI | Driving while intoxicated |
| DWLR | Driving with license revoked |
| DWLS | Driving with license suspended |
| DWOL | Driving without license |
| F&G VIOL | Fish & Game violation |
| FTA | Failure to appear |
| MCA/MC | Minor consuming alcohol |
| MICS | Misconduct involving a controlled substance |
| MIP | Minor in possession |
| MIPBC/MIPC | Minor in possession by consumption |
| MV THEFT | Motor vehicle theft |
| NON-CRIM | Non-criminal (unspecified) |
| PC | Protective custody |
| PV | Probation violation |
| RA | Resisting arrest |
| RESIST ARREST | Resisting arrest |
| RD | Reckless driving |
| RECKLSS DRIVNG | Reckless driving |
| ROBBERY | Robbery |
| RUNAWAY/RAWAY | Runaway |
| SA | Sexual assault |
| SRV TIME:DWI | Served time for DWI |
| T47 | Title 47 protective custody |
| T47: Alcohol | Title 47 protective custody—alcohol |
| THEFT | Theft |
| TRAFFIC | Traffic violation |
| VCR | Violation of conditions of release |
| VCOR (OC:) | Violation of valid court order (original charge:) |
| WA | Warrant |
| WA:FTA | Warrant: Failure to appear |
| WA:PV | Warrant: Probation Violation |
| WA:TRAFFIC | Warrant: Traffic |
| WEAPONS | Weapons misconduct |